

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MIKE CRAMER, an individual
d/b/a Allstar Books,

Plaintiff,

Case No. 04-70712

v.

Hon. John Corbett O'Meara

RONALD VITALE, YORKSHIRE FOOD
MARKET, CITY OF DETROIT, a municipal
corporation, and CITY OF DETROIT
BOARD OF ZONING APPEALS,

Defendants.

**ORDER DENYING DEFENDANT'S
MOTION FOR RECONSIDERATION**

Before the court is Defendant's motion for reconsideration of this court's October 18, 2005 Opinion and Order Granting in Part and Denying in Part the City of Detroit's Motion for Summary Judgment. Pursuant to Local Rule 7.1(e)(2)(E.D. Mich. Sept. 8, 1998), no response was ordered and no oral argument was heard.

Generally, and without restricting the court's discretion, the court will not grant motions for rehearing or reconsideration which merely present the same issues ruled upon by the court, either expressly or by reasonable implication. The movant shall not only demonstrate a palpable defect by which the court and the parties have been misled but also show that correcting the defect will result in a different disposition of the case.

LR 7.1(g)(3).

Having filed a motion for reconsideration that presents the same issues ruled upon by the court, the City of Detroit has failed to demonstrate a palpable defect by which the court and the

parties have been misled. Therefore, it is hereby **ORDERED** that Defendant's October 28, 2005 motion for reconsideration is **DENIED**.

s/John Corbett O'Meara
John Corbett O'Meara
United States District Judge

Dated: November 4, 2005